

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CIVIL MINUTES - GENERAL

previously JS-6
transfer to USDC Southern
District of CA, San Diego

Case No. CV 08-1577-GPS(AGRx)

Date: May 22, 2008

Title: Acceptance Insurance Company v. American Safety Risk Retention
Group, Inc., et al.

=====
PRESENT: THE HONORABLE GEORGE P. SCHIAVELLI, JUDGE

Jake Yerke
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

Not Present

Not Present

**PROCEEDINGS: Order Transferring Action to Southern District of California
(In Chambers)**

Pursuant to the Court's May 12, 2008 Order, the Court **ORDERS** this action **TRANSFERRED** to the United States District Court for the Southern District of California. See 28 U.S.C. § 1404. Consequently, Defendant's Motion to Dismiss is denied as moot without prejudice to renewal in the Southern District.

IT IS SO ORDERED.



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(AGRx), CLOSED, DISCOVERY, TRANSFERRED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:08-cv-01577-GPS-AGR**

Acceptance Insurance Company v. American Safety Risk
Retention Group, Inc. et al
Assigned to: Judge George P. Schiavelli
Referred to: Magistrate Judge Alicia G. Rosenberg
Case in other court: Superior Court of CA for the County of
Los Angeles, BC 352725
Cause: 28:1441 Notice of Removal - Insurance Contract

Date Filed: 03/06/2008
Date Terminated: 05/12/2008
Jury Demand: None
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Acceptance Insurance Company

represented by **Perry Emil Rhoads**

Koletsky Mancini Feldman & Morrow
3460 Wilshire Blvd
Eighth Floor
Los Angeles, CA 90010
213-427-2350
Email: prhoads@kmfm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Raymond C Dion

Koletsky Mancini Feldman & Morrow
3460 Wilshire Boulevard 8th Floor
Los Angeles, CA 90010-2228
213-427-2350
Email: rdion@kmfm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**American Safety Risk Retention
Group, Inc.**represented by **Dana Alden Fox**

Lynberg and Watkins APC
888 South Figueroa Street 16th Floor
Los Angeles, CA 90017-5449
213-624-8700
Email: dfox@lynberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Patrick Harrison

Lynberg and Watkins
888 South Figueroa Street 16th Floor
Los Angeles, CA 90017-5449
213-624-8700
Email: mharrison@lynberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J Larin

Lynberg & Watkins
888 South Figueroa Street 16th Floor
Los Angeles, CA 90017-5449
213-624-8700
Fax: 213-892-2763
Email: mlarin@lynberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**American Safety Indemnity
Company**represented by **David S Blau**

Law Offices of David S Blau PC
6080 Center Drive Suite 210
Los Angeles, CA 90045
310-410-1900
Email: david@blaulaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David M Morrow

Law Offices of David S Blau PC
6080 Center Drive
Suite 210
Los Angeles, CA 90045

310-410-1900

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Jennifer Sarah Gassen**

Law Offices of David S Blau

6080 Center Drive Suite 210

Los Angeles, CA 90045

310-410-1900

Email: jen@blaulaw.net

Date Filed	#	Docket Text
03/06/2008	<u>1</u>	NOTICE OF REMOVAL from Superior Court of CA for the County of Los Angeles, case number BC 352725 with CONFORMED FILED copy of summons and First Amended complaint. Case assigned to Judge George P. Schiavelli, Discovery to Magistrate Judge Alicia G. Rosenberg. (Filing fee \$ 350 PAID.), filed by Defendant American Safety Indemnity Company. (et) Modified on 3/11/2008 (et). Additional attachment(s) added on 3/14/2008 (hha,). (Entered: 03/11/2008)
03/06/2008	<u>2</u>	NOTICE of Interested Parties filed by Defendant American Safety Indemnity Company. (et) Additional attachment(s) added on 3/14/2008 (hha,). (Entered: 03/11/2008)
03/06/2008	<u>3</u>	NOTICE OF JOINDER in Notice of Removal <u>1</u> ,filed by Defendant American Safety Risk Retention Group, Inc. (et) Additional attachment(s) added on 3/14/2008 (hha,). (Entered: 03/11/2008)
03/06/2008	<u>4</u>	NOTICE of Related Case(s) filed by Defendant American Safety Risk Retention Group, Inc.. Related Case(s): NO RELATED ACTION. (et) Additional attachment(s) added on 3/14/2008 (hha,). (Entered: 03/11/2008)
03/06/2008		FAX number for Attorney Raymond C Dion, Perry Emil Rhoads is 213-427-2366. (et) (Entered: 03/11/2008)
03/06/2008		FAX number for Attorney David S Blau, David M Morrow is 310-410-1901. (et) (Entered: 03/11/2008)
03/06/2008		FAX number for Attorney Dana Alden Fox, Matthew Patrick Harrison, Michael J Larin is 213-892-2763. (et) (Entered: 03/11/2008)

03/12/2008	<u>5</u>	NOTICE to State Court of Removal to Federal Court filed by defendant American Safety Indemnity Company. (Attachments: # <u>1</u> Exhibit Notice of Removal of Civil Action from State Court (28 USC section 1441(b))) (Gassen, Jennifer) (Entered: 03/12/2008)
03/17/2008	<u>6</u>	NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of California filed by defendant American Safety Indemnity Company. Motion set for hearing on 4/14/2008 at 01:30 PM before Judge George P. Schiavelli. (Attachments: # <u>1</u> Motion to Transfer - Proof of Service# <u>2</u> Declaration Decl. in Support of Motion to Transfer# <u>3</u> Exhibit Ex. A - Fisher Declaration# <u>4</u> Fisher Declaration - Proof of Service) (Gassen, Jennifer) (Entered: 03/17/2008)
03/17/2008	<u>7</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by defendant American Safety Indemnity Company. Motion set for hearing on 4/14/2008 at 01:30 PM before Judge George P. Schiavelli. (Attachments: # <u>1</u> Proof of Service)(Gassen, Jennifer) (Entered: 03/17/2008)
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03/31/2008	<u>9</u>	NOTICE OF MOTION AND MOTION to Remand Case to Los Angeles Superior Court filed by Plaintiff Acceptance Insurance Company. Motion set for hearing on 4/28/2008 at 01:30 PM before Judge George P. Schiavelli. (Attachments: # <u>1</u> Declaration of Brett Hampton# <u>2</u> Exhibit A# <u>3</u> Exhibit B) (Dion, Raymond) (Entered: 03/31/2008)
03/31/2008	<u>10</u>	MEMORANDUM in Opposition to MOTION to Transfer Case to Southern District of California <u>6</u> filed by Plaintiff Acceptance Insurance Company. (Attachments: # <u>1</u> Declaration of Brett G. Hampton)(Dion, Raymond) (Entered: 03/31/2008)

03/31/2008	<u>11</u>	MEMORANDUM in Opposition to MOTION to Dismiss Case <u>7</u> filed by Plaintiff Acceptance Insurance Company. (Dion, Raymond) (Entered: 03/31/2008)
03/31/2008	<u>12</u>	REQUEST FOR JUDICIAL NOTICE <i>IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS</i> filed by Plaintiff Acceptance Insurance Company. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Dion, Raymond) (Entered: 03/31/2008)
04/07/2008	<u>13</u>	REPLY Reply in Support of MOTION to Dismiss Case <u>7</u> filed by Defendant American Safety Indemnity Company. (Blau, David) (Entered: 04/07/2008)
04/07/2008	<u>14</u>	REPLY Reply in Support of MOTION to Transfer Case to Southern District of California <u>6</u> filed by Defendant American Safety Indemnity Company. (Blau, David) (Entered: 04/07/2008)
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04/08/2008	<u>16</u>	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli : re: Defendant's MOTION to Dismiss <u>7</u> , MOTION to Transfer Case to Southern District of California <u>6</u> ,and Plaintiff's MOTION to Remand Case to Los Angeles Superior Court <u>9</u> : The supporting documents for at least one of these motions exceed 200 pages, the Court requires the parties to lodge CD-ROMs with the briefs hyperlinked to the supporting documents as set forth by Standing Order No. 8.1 Accordingly, the Court ORDERS the parties to lodge CD-ROMS of their briefs properly hyperlinked to their supporting documents for all three motions by April 21, 2008. The Court hereby CONTINUES the hearing on Defendants Motion to Transfer and Motion to Dismiss to April 28, 2008, at 1:30 p.m. (lc) (Entered: 04/09/2008)
04/14/2008	<u>17</u>	MEMORANDUM in Opposition to MOTION to Remand Case to Los Angeles Superior Court <u>9</u> filed by Defendant American Safety Indemnity Company. (Attachments: # <u>1</u> Declaration of Jean Fisher in Support of Opposition to Motion to Remand)(Blau, David) (Entered: 04/14/2008)

04/14/2008	<u>18</u>	OBJECTIONS Evidentiary Objections to & Motion to Strike Portions of Decl. of Brett G. Hampton re: MOTION to Remand Case to Los Angeles Superior Court <u>9</u> filed by Defendant American Safety Indemnity Company. (Blau, David) (Entered: 04/14/2008)
04/21/2008	<u>19</u>	NOTICE OF LODGING filed <i>Re: CD-ROMs Containing Defendant's Hyperlinked Briefs</i> (Blau, David) (Entered: 04/21/2008)
04/21/2008	<u>20</u>	OBJECTIONS Support of re: MOTION to Remand Case to Los Angeles Superior Court <u>9</u> filed by Plaintiff Acceptance Insurance Company. (Dion, Raymond) (Entered: 04/21/2008)
04/21/2008	<u>21</u>	REPLY In Support of MOTION to Remand Case to Los Angeles Superior Court <u>9</u> filed by Plaintiff Acceptance Insurance Company. (Attachments: # <u>1</u> Declaration of Brett Hampton# <u>2</u> Exhibit A# <u>3</u> Exhibit B)(Dion, Raymond) (Entered: 04/21/2008)
04/23/2008	<u>22</u>	NOTICE OF LODGING filed <i>by Plaintiff Acceptance Insurance Company in Support of: (1) Motion to Remand; (2) Opposition to Motion to Dismiss; and (3) Opposition to Motion to Transfer for Convenience</i> (Dion, Raymond) (Entered: 04/23/2008)
04/23/2008	<u>23</u>	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli :In re: Standing Order No. 8: On April 8, 2008, the Court ordered the parties to lodge a CD-ROM version of their briefs, properly hyperlinked to their supporting documents, addressing (1) Plaintiffs Motion to Remand <u>9</u> ; (2) Defendants Motion to Transfer <u>6</u> ; and (3) Defendants Motion to Dismiss <u>7</u> . See Standing Order No. 8.1 Defendant timely complied. Plaintiff, however, has not lodged any CD-ROMs. Accordingly, the Court ORDERS Plaintiff to lodge a CD-ROM version of all briefs properly hyperlinked to supporting documents by April 29, 2008.Failure to comply may result in sanctions. The hearing is hereby CONTINUEDto May 5, 2008, at 1:30 p.m. (lc) (Entered: 04/23/2008)
05/05/2008	<u>24</u>	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli : re: MOTION to Dismiss Case <u>7</u> , MOTION to Transfer Case to Southern District of California <u>6</u> :Motions continued to 5/12/2008 at 01:30 PM before Judge George P. Schiavelli. (sce) (Entered: 05/06/2008)

05/12/2008	<u>25</u>	MINUTES OF Motion Hearing held before Judge George P. Schiavelli: ORDER denying plaintiffs MOTION to Remand Case to Los Angeles Superior Court <u>9</u> ; ORDER granting MOTION to Transfer Case to Southern District of California <u>6</u> , and in lightof these rulings, Court need not consider defendants MOTION to Dismiss <u>7</u> . Accordingly, Defendants shall submit a proposed order to transfer the action to the Southern District of California by Monday, May 19, 2008. Court Reporter: Rosalyn Adams. (lc) (Entered: 05/14/2008)
05/19/2008	<u>26</u>	NOTICE OF LODGING filed <i>Re: Proposed Order</i> (Attachments: # <u>1</u> Proposed Order Granting Defendant's Motion to Transfer Venue)(Blau, David) (Entered: 05/19/2008)
05/22/2008	<u>27</u>	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli: Pursuant to the Courts May 12, 2008 Order <u>25</u> , the Court ORDERS this actionTRANSFERRED to the United States District Court for the Southern District ofCalifornia. See 28 U.S.C. § 1404. Consequently, Defendants Motion toDismiss is denied as moot without prejudice to renewal in the Southern District. (Attachments: # <u>1</u> transfer out letter) (lc) (Entered: 05/27/2008)
05/27/2008		TRANSMITTAL of case and documents electronically to USDC Southern California, San Diego (lc) (Entered: 05/27/2008)

PACER Service Center**Transaction Receipt**

05/27/2008 10:14:18

PACER Login:	us3877	Client Code:	
Description:	Docket Report	Search Criteria:	2:08-cv-01577-GPS- AGR End date: 5/27/2008
Billable Pages:	4	Cost:	0.32



SHERRI R. CARTER
District Court Executive and
Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Re: Transfer of our Civil Case No. _____
Case Title: _____

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

Very truly yours,

Clerk, U.S. District Court

By L Chai
Deputy Clerk

cc: All counsel of record

=====

TO BE COMPLETED BY RECEIVING DISTRICT

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: _____.

Clerk, U.S. District Court

By _____
Deputy Clerk



SHERRI R. CARTER
District Court Executive and
Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

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(951) 328-4450

CORRECTED

Re: Transfer of our Civil Case No. _____
Case Title: _____

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

*USDC Central District of California
Electronic Interdistrict Case Transfer
event is Not Functioning. Please
refer to this court's website
for this e-filed case.

Very truly yours,

Clerk, U.S. District Court

By _____ L Chai
Deputy Clerk

cc: All counsel of record

=====

TO BE COMPLETED BY RECEIVING DISTRICT

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: _____.

Clerk, U.S. District Court

By _____
Deputy Clerk

(AGRx), CLOSED, DISCOVERY, TRANSFERRED

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:08-cv-01577-GPS-AGR

Acceptance Insurance Company v. American Safety Risk Retention Group, Inc. et al
Assigned to: Judge George P. Schiavelli
Referred to: Magistrate Judge Alicia G. Rosenberg
Case in other court: Superior Court of CA for the County of Los Angeles, BC 352725
Cause: 28:1441 Notice of Removal - Insurance Contract

Date Filed: 03/06/2008
Date Terminated: 05/12/2008
Jury Demand: None
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Acceptance Insurance Company

represented by **Perry Emil Rhoads**
Koletsky Mancini Feldman & Morrow
3460 Wilshire Blvd
Eighth Floor
Los Angeles, CA 90010
213-427-2350
Email: prhoads@kmfm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Raymond C Dion
Koletsky Mancini Feldman & Morrow
3460 Wilshire Boulevard 8th Floor
Los Angeles, CA 90010-2228
213-427-2350
Email: rdion@kmfm.com
LEAD ATTORNEY
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V.

Defendant

American Safety Risk Retention Group, Inc.

represented by **Dana Alden Fox**
Lynberg and Watkins APC
888 South Figueroa Street 16th Floor
Los Angeles, CA 90017-5449
213-624-8700
Email: dfox@lynberg.com
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Michael J Larin
Lynberg & Watkins
888 South Figueroa Street 16th Floor
Los Angeles, CA 90017-5449

213-624-8700
 Fax: 213-892-2763
 Email: mlarin@lynberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

American Safety Indemnity Company

represented by **David S Blau**
 Law Offices of David S Blau PC
 6080 Center Drive Suite 210
 Los Angeles, CA 90045
 310-410-1900
 Email: david@blaulaw.net
LEAD ATTORNEY
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 6080 Center Drive
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 310-410-1900
LEAD ATTORNEY
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Jennifer Sarah Gassen
 Law Offices of David S Blau
 6080 Center Drive Suite 210
 Los Angeles, CA 90045
 310-410-1900
 Email: jen@blaulaw.net

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04/14/2008	<u>18</u>	OBJECTIONS Evidentiary Objections to & Motion to Strike Portions of Decl. of Brett G. Hampton re: MOTION to Remand Case to Los Angeles Superior Court <u>9</u> filed by Defendant American Safety Indemnity Company. (Blau, David) (Entered: 04/14/2008)
04/21/2008	<u>19</u>	NOTICE OF LODGING filed <i>Re: CD-ROMs Containing Defendant's Hyperlinked Briefs</i> (Blau, David) (Entered: 04/21/2008)
04/21/2008	<u>20</u>	OBJECTIONS Support of re: MOTION to Remand Case to Los Angeles Superior Court <u>9</u> filed by Plaintiff Acceptance Insurance Company. (Dion, Raymond) (Entered: 04/21/2008)

04/21/2008	21	REPLY In Support of MOTION to Remand Case to Los Angeles Superior Court 9 filed by Plaintiff Acceptance Insurance Company. (Attachments: # 1 Declaration of Brett Hampton# 2 Exhibit A# 3 Exhibit B)(Dion, Raymond) (Entered: 04/21/2008)
04/23/2008	22	NOTICE OF LODGING filed by Plaintiff Acceptance Insurance Company in Support of: (1) Motion to Remand; (2) Opposition to Motion to Dismiss; and (3) Opposition to Motion to Transfer for Convenience (Dion, Raymond) (Entered: 04/23/2008)
04/23/2008	23	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli :In re: Standing Order No. 8: On April 8, 2008, the Court ordered the parties to lodge a CD-ROM version of their briefs, properly hyperlinked to their supporting documents, addressing (1) Plaintiffs Motion to Remand 9 ; (2) Defendants Motion to Transfer 6 ; and (3) Defendants Motion to Dismiss 7 . See Standing Order No. 8.1 Defendant timely complied. Plaintiff, however, has not lodged any CD-ROMs. Accordingly, the Court ORDERS Plaintiff to lodge a CD-ROM version of all briefs properly hyperlinked to supporting documents by April 29, 2008.Failure to comply may result in sanctions. The hearing is hereby CONTINUEDto May 5, 2008, at 1:30 p.m. (lc) (Entered: 04/23/2008)
05/05/2008	24	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli : re: MOTION to Dismiss Case 7 , MOTION to Transfer Case to Southern District of California 6 :Motions continued to 5/12/2008 at 01:30 PM before Judge George P. Schiavelli. (sce) (Entered: 05/06/2008)
05/12/2008	25	MINUTES OF Motion Hearing held before Judge George P. Schiavelli: ORDER denying plaintiffs MOTION to Remand Case to Los Angeles Superior Court 9 ; ORDER granting MOTION to Transfer Case to Southern District of California 6 , and in lightof these rulings, Court need not consider defendants MOTION to Dismiss 7 . Accordingly, Defendants shall submit a proposed order to transfer the action to the Southern District of California by Monday, May 19, 2008. Court Reporter: Rosalyn Adams. (lc) (Entered: 05/14/2008)
05/19/2008	26	NOTICE OF LODGING filed Re: Proposed Order (Attachments: # 1 Proposed Order Granting Defendant's Motion to Transfer Venue)(Blau, David) (Entered: 05/19/2008)
05/22/2008	27	MINUTES OF IN CHAMBERS ORDER held before Judge George P. Schiavelli: Pursuant to the Courts May 12, 2008 Order 25 , the Court ORDERS this actionTRANSFERRED to the United States District Court for the Southern District ofCalifornia. See 28 U.S.C. § 1404. Consequently, Defendants Motion toDismiss is denied as moot without prejudice to renewal in the Southern District. (Attachments: # transfer out letter) (lc) (Additional attachment(s) added on 5/27/2008: # 2 docket sheet) (lc). (Additional attachment(s) added on 5/27/2008: # 3 transfer out letter) (lc). (Entered: 05/27/2008)
05/27/2008		TRANSMITTAL of case and documents electronically to USDC Southern California, San Diego (lc) (Entered: 05/27/2008)
05/27/2008	28	NOTICE OF CLERICAL ERROR: Due to clerical error, minutes transferring of case to USDC Southern District of California, San Diego: Letter of transfer had wrong PDF image, incorrect image removed and replaced with correct image of letter 27 ; Court's electronic Interdistrict Case Transfer Event, was not Functioning, therefore the case and documents were sent to USDC Southern District of California, San Diego in traditional manner. (lc) (Entered: 05/27/2008)
05/27/2008		CORRECTED TRANSMITTAL of documents to USDC Southern District of California, San Diego: cc order, updates docket and corrected letter of transfer (lc) (Entered: 05/27/2008)

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